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FROM USMISSION UNESCO PARIS

SENSITIVE

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SUBJECT: UNESCO: NEED FOR DEMARCHE ON EU
COMPETENCY IN CULTURAL DIVERSITY NEGOTIATIONS

RE: A)PARIS 2402, B) PARIS 2231, C) PARIS 01857, D) 2004
PARIS 8818, E) 2004 PARIS 7677

1. (SBU) I understand that there has been a lot of discussion in Washington about the need to demarche UNESCO Executive Board members on the EU's draft resolution on EC participation in the cultural diversity negotiations. I cannot emphasize strongly enough that we need to demarche capitals on this issue as soon as possible.

2. (SBU) There are two issues at stake. The first is covered by the draft resolution which will be taken up at the executive board sometime in the next two weeks: EC participation in the negotiations. The next round of negotiations is scheduled for late May/early June; this issue cannot be put off until the general conference in October. The second issue will need to be raised at the general conference: whether the EU can sign a completed convention as a "contracting party." This intention has already been signaled on several occasions by EU members but is not in the current draft resolution.

3. (SBU) We need to make it clear that there is no need for expanded participation by the EC in the May meeting. The EC sat with the EU presidency during the February negotiations and was able to participate fully. The EC rep often began his interventions with the words, "The EU believes." The EC also sat in on committee meetings and informal negotiations and unlike other observers did not have to wait to speak last, spoke as long as he wanted, suggested amendments and was not limited to one intervention per item.

4. (SBU) We are told this will not set precedent in the UN system. I do not see how it could do anything else. There is also the problem of precedent at UNESCO. The EC claims competency on intellectual property rights which will likely be part of the bioethics declaration currently being negotiated and other possible UNESCO instruments in the future. Meanwhile, the EC rep tells us constantly that the cultural diversity convention is not about trade, but the EC is claiming competency in these negotiations precisely because they cover trade.

5. (SBU) The EU has been actively demarching other UNESCO members both here in Paris and in capitals to build support for their draft resolution. They appear confident they have the votes in this Executive Board; they don't want to face defeat a second time. They start from a good base. They can already count on the 8 EU members on the board, Iceland, Turkey, Croatia and Switzerland.

6. (SBU) The number of countries that publicly oppose the EU at this point is rather limited. They include Afghanistan, India, Australia and probably Russia Japan and China. Canada will likely support the EU but tells us they may change their minds if they get a strong message from the US. Brazil doesn't like the resolution but will probably abstain and not speak against. This seems to be the position of a number of other Latin American countries.

7. (SBU) We're still looking, but so far we cannot find anything in the rules that allows us to call for a secret ballot, which Afghanistan tells us would make it a lot easier for smaller countries to vote against the EU. (In fact, if we don't get a secret ballot, we might lose Afghanistan). We also heard this from the longtime ambassador of Serbia, but he's not on the executive board.

8. (SBU) The example in our cable last week (Reftel C) of Jamaica, indicating they have received instructions to vote in favor of the resolution, indicates how strongly the EU has been lobbying capitals on this issue. Because the lobbying has been done in capitals, there is not that much we can do here to change votes. We need demarches in the capitals of UNESCO's Executive Board members. OLIVER